

REMARKS

FORMAL MATTERS:

Claims 1-21 are pending after entry of the amendments set forth herein.

Claims 2, 3, 5, 11, 12, 14, 16, 17, 19, 20 and 21 are amended.

The amendments to the claims other than claim 21 are all formal in nature and made in order to correct formalities regarding multiple dependent claims. The amendment to claim 21 is supported within original claims 1 and 21. No new matter has been added.

CLAIM OBJECTIONS

Claims 5-21 were objected to under 37 C.F.R. §1.75(c) as being in improper form. Applicants understand the position taken by the Examiner. An effort has been made to amend the claims to place them in proper form thereby overcoming the objection. If for any reason the Examiner continues to object to specific claim language the Examiner is respectfully requested to contact the undersigned attorney at the indicated phone number to arrange for an interview to expedite prosecution.

REJECTION UNDER 35 U.S.C. §102

Claims 1-4 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 3,955,402 to Harvill. The rejection is traversed as applied and as it might be applied to the presently pending claims.

In support of the rejection reference was made to Figure 4A. In response applicants refer to the explanation of Figure 4A provided in the specification at col. 8, as well as Figure 4B and the explanation of Figure 4B. It will be understood that Figure 4A does not show an immediate drop in pressure but rather is a graph which shows the operation of the control circuit with the graph indicating the on/off condition or status of the circuitry switches. No immediate drop in pressure is intended to be represented by Figure 4A.

Figure 4B shows the pressure versus time. During the first cycle the time is indicated as T_1 . The pressure builds until it is allowed to drop during the last time segment. The last time segment is designated T_5 . It is clear from Figure 4B that the time T_5 is substantially longer than the time T_1 . This is quite different from what is claimed by applicants. Specifically, applicants claim subjecting the container to a pressure profile in the first stage at a first average rate of pressure increase. Applicants further claim a second stage of decreasing the peak pressure to a starting pressure at a second, greater,

average rate of pressure decrease. Thus, in accordance with applicants claimed method the increase in pressure occurs more slowly as compared with the decrease in pressure. This is the opposite of what is shown within Harvill wherein the increase pressure designated by the time T_1 is substantially shorter than the decrease in pressure designated by the time T_5 . In view of such claim 1 is not anticipated by Harvill and the rejection should be reconsidered and withdrawn.

The dependent claims include additional features which are not taught by Harvill. Further, independent claim 21 includes the language referred to above with respect to how the pressure is increased and then decreased and is also not anticipated by Harvill. In view of such the claims are believed to be patentable over Harvill and an indication of such is respectfully requested.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number ZGNX-111.

Respectfully submitted,

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